

Message Text

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PAGE 01 STATE 278056

71-61

ORIGIN ERDA-07

INFO OCT-01 EUR-12 ISO-00 OES-05 FEA-01 ACDA-10 CIAE-00

INR-07 IO-10 L-03 NSAE-00 NSC-05 EB-07 NRC-07 DODE-00

/075 R

DRAFTED BY USERDA:OIP:MDMCDONOUGH

APPROVED BY OES/NET/IM:DIXON HOYLE

USERDA:OIP:MDMCDONOUGH

EUR/RPE:JWOLFE

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P 242300Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

INFO USMISSION EC BRUSSELS PRIORITY

UNCLAS STATE 278056

E.O. 11652: N/A

TAGS: TECH

SUBJECT: ERDA/FMRT FAST BREEDER AGREEMENT

REF: STATE 269359

ERDA COMMENTS ON FMRT'S REQUESTED CHANGES IN REF CABLE ARE AS
FOLLOWS:

1. ARTICLE 7. ERDA AGREES TO DELETING PHRASE QUOTE... EXCEPT
AS MAY BE REQUIRED BY THE LAWS OF THE PARTIES... UNQUOTE IN PARA 4.
HOWEVER, FMRT'S PROPOSAL TO ADD TWO NEW PARAGRAPHS 6 AND 7 TO
THIS ARTICLE IS NOT ACCEPTABLE TO ERDA. CURRENT VERSION STATES
CONDITIONS UNDER WHICH INFORMATION WILL BE PROTECTED, UNLIKE
REFERENCED NRC AGREEMENT WHICH IS FAR MORE GENERAL IN THIS RESPECT.
ACCORDINGLY, BELIEVE IT UNNECESSARY AND UNDESIRABLE TO INSERT
PROPOSED NEW PARAGRAPH, WHICH WOULD RAISE QUESTIONS RE INTENTION
OF PARTIES TO PROTECT DATA FALLING INTO CATEGORY DEFINED.

2. ERDA BELIEVES THAT PROCEDURES TO BE USED IN TRANSMITTAL,
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PAGE 02 STATE 278056

ACCEPTANCE AND PROTECTION OF SENSITIVE INFORMATION SHOULD BE

ESTABLISHED BY THE JOINT COMMITTEE UNDER PROVISIONS OF ARTICLE 7, NOT BY AN EXCHANGE OF LETTERS BETWEEN FMRT AND ERDA. SUBJECT MATTER OF NRC AGREEMENT IS SUBSTANTIALY DIFFERENT IN NATURE AND ERDA CANNOT FOLLOW THESE PROCEDURES.

3. ARTICLE 10. ERDA WOULD LIKE AN EXPLANATION WHY THE USE OF WORDS "CONCEIVED" AND "DISCOVERY" CAUSES DIFFICULTIES UNDER FRG LAW. WE NOTE THAT THESE WORDS ARE USED IN THE ERDA/FMRT WASTE MANAGEMENT AGREEMENT.

4. ARTICLE 10, PARA 10, SUB-PARA A. WE DO NOT UNDERSTAND FMRT'S STATEMENT THAT THEIR PROPOSAL DOES NOT EFFECT U.S. RIGHTS. WE INTERPRET THEIR PROPOSAL TO MEAN THAT GERMANY WOULD HAVE ALL RIGHTS TO PATENTS IN THE EUROPEAN COMMUNITY WHEN ITS SPECIAL INTEREST ARE AFFECTED. ERDA WISHES CLARIFICATION OF PROPOSAL.

5. ERDA WOULD APPRECIATE COMMENTS FROM FMRT AS QUICKLY AS POSSIBLE.

6. FOR MISSION: HAS FMRT COMPLETED THEIR FINAL REVIEW OR ARE ADDITIONAL CHANGES STILL A POSSIBILITY.
INGERSOLL

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Margaret P. Grafeld
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